

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS SHELLEY,

Petitioner,

ORDER

v.

08-cv-647-bbc

MICHAEL J. LECHLEITNER, RANDELL
HOENISCH, GARY A. SCHNECK,
DETECTIVE MILHAUSEN, GRAUDEN,
CHAD BILLEB, TROY PAULS, JENNY
HOLZ, CAPTAIN SLEETER, VERCIMACK,
OFFICER GOFF, DEPUTY SCHEFFLER,
ANDY BUSS, MICHAEL WILLIAMS,
UNKNOWN REGION SIX AGENT(S),
CHRISTOPHER L. WITHERS and his AGENT,
and his AGENT'S SUPERVISOR, COUNTY OF
MARATHON, LANCE LEONHARD, ROBERT
DICKMAN and JOHN WALLACE,

Respondents.

Petitioner Thomas Shelley, an inmate at the Dodge Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison

Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement for the six-month period immediately preceding the filing of his complaint.

Petitioner has attached to his affidavit of indigency a copy of an Interview/Information Request dated October 29, 2008, in which he asks the business office to forward a copy of his certified account statement to this court. Although it does not appear that the request has been denied by prison officials, it has been over a week since the request was purportedly submitted. If petitioner encounters any difficulty in obtaining a copy of his trust fund account statement, he may show this order to prison officials to insure that his trust fund account statement is received by the court in a timely manner. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay.

ORDER

IT IS ORDERED that petitioner may have until November 28, 2008, in which to submit a trust fund account statement for the period beginning approximately April 28, 2008 and ending approximately October 27, 2008. If, by November 28, 2008, petitioner fails to respond to this order, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's

filing his case at a later date.

Entered this 7th day of November, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge